Lawyers Demand Faster Decisions

NEWARK —AP— The New Jersey Bar Association Saturday recommended that jurists be bound by a rule limiting the time they would have to render decisions.

The association instructed President Walter Winne, Bergen County prosecutor, to appoint a committee to "have a rule promulgated limiting the time in which courts must render decisions in matters which come before them."

Winne did not say when he would name the group, which would confer with the chancellor and the chief justice on the issue.

A resolution introduced by William W. Evans of Paterson, said as long as two years have elapsed before a decision has been handed down.

Supreme Court Justice Frederic R. Colie urged the association to "go a little slowly" in limiting the the judges. He said a time limit might force precipitate decisions.

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"Character" Witnesses

"REPUTATION, reputation, reputation! O, I have lost my reputation. I have lost the immortal part of myself," mourned Cassio, Othello's lieutenant. But not for Joseph S. Fay is the bitterness of such anguish. His reputation, like the phoenix, died but to rise in youthful freshness from its own ashes.

"Reputation is an idle and most false imposition," replied the cynical Iago, and so it must seem to Mr. Fay, who can produce at will a procession of eminent businessmen to swear that every one they know speaks of him as a true-hearted, noble soul, who keeps his word, executes his contracts faithfully, and always gives value received; in short, to borrow again from Shakespeare, "a gentleman on whom I built an absolute trust."

The jury doubtless was mightily impressed last week as the great names were sworn and the well tailored figures settled into the witness chair and began to chant "Excellent, excellent, excellent" in response to the questions of defense counsel. True, some of them had given the same performance at Mr. Fay's New York trial when, notwithstanding their efforts, he was convicted of extortion and of conspiring to extort money from contractors. But the implications of their repeat performance seemed to escape the jury.

They are described inaccurately as character witnesses. They testify not to the defendant's character, which is what a man is, but to his reputation, which is what his acquaintances believe him to be. Fay's were not all willing witnesses, but under subpoena. They were not free witnesses, but businessmen subject to coercion. Those whose business is building or who plan extensive building operations cannot afford to offend a powerful building trades union boss. He can make trouble for them, even drive them out of business. Thus they are forced to stultify themselves and to speak from the witness stand words which may bring shame to them and embarrassment to their friends.

Judge Meaney sought to make their position clear to the jury by a significant question: "Does your company employ members of Fay's union?" Some replied yes, some no. The judge had done what he could.

Alfred E. Smith and John W. Davis appeared as "reputation witnesses" for the dishonored Federal Judge Manton. In his summation in the Manton trial, United States Attorney Cahill pointed out to the jury that the witnesses had not "heard the things that you have heard, the evidence in this case, and perhaps if they had, they would have stayed their tongues." Fay's repeater witnesses contradict Mr. Cahill. Of Fay they can hear only the most excellent reports, even if, in New York, he is under sentence to Sing Sing.

The layman will ask what legal metaphysics tolerates the so-called character witness, and what value is his testimony when it is obvious that he cannot be disinterested or candid. The custom is sanctioned by the rules of evidence. Perhaps the rules should be changed, at least to the extent of barring the testimony of those who are self-serving.

Thursday Jan. 16, 1947 Camden Courier

'Guinea Pig' Role Saves a 'Conchie' From Jail Stretch

Trenton, Jan. 16.—An experimental role played by a conscientious objector while serving time in a camp saved him from a possible jail sentence in federal district court on charges of violating the Selective Service Act.

The defendant, Toshiyuki Fukushima, 25, of Drexel Hill, Pa., was sentenced by Judge Phillip Forman to serve a day in the custody of the United States marshal for deserting a CO camp at Lyons.

Judge Forman pointed out that while Fukushima, who is of Japanese ancestry, should have followed the law of the land, he also could not overlook the 19 months the defendant had spent in CO camps and the service he had rendered his country by volunteering for hazardous experiments.

On five different occasions, Judge Forman explained, Fukushima served as a "guinea pig" in life-raft experiments which lasted 10 days on each occasion. During the experiments Fukushima was placed on a near-starvation diet to provide medical data which could later be used in emergency cases at sea.

These experimentations were carried out while the defendant was on duty at Welfare Island, N.Y.

It was Judge Forman's opinion that Fukushima had performed an important service to the government.

Assistant U. S. Attorney John Waldron represented the government.

Jan 21/47 TRENTON EVENING TIMES, T

Objections To Driscoll's Bills Brushed Aside

Objections by the Securties and Exchange Commission to expenses incurred by Governor Alfred E. Driscoll while trustee for the Ritz-Carlton Hotel in Atlantic City were brushed aside yesterday afternoon by Federal Judge Phillip Forman.

He recommended that affidavits be filed by Driscoll, Sidney P. McCord Jr., a law associate, and others to cover the expenses which McCord said amounted to approximately $1,400 altogether. Of this sum Driscoll had asked for $348.87, McCord for $949.87, S. L. Davis, another law associate, for $28, and $89.20 listed under the heading of miscellaneous.

At the same time Judge Forman approved a request of $2,500 for the trustee covering a period from January through October of 1945. This, he said, would be at the rate of about $70 a week which he said was a reasonable allowance for such a responsible position.

The petition for final decree must stand for another two weeks until the affidavits are filed, the court instructed.

In passing on the objections of George Zolotar, counsel for the commission, against the expenses incurred, Judge Forman said;

"Greater care should have been taken to itemize the expenditures. No attack is made on the vast sums of money that passed through the trustee's hands. Attack is only made against relatively small amounts of money, approximately $1,400.

"I'm impressed with the fact regarding the lack of minute or detailed support of vouchers, but the money was undoubtedly expended. I wouldn't be a bit surprised that other moneys were undoubtedly expended that never found their way into the accounting."

Turning to McCord, the court said: "You ought to be able to make an affidavit for the equivalent of this sum without the appearance of a single voucher."

And then to Zolotar he said: "I'm positive that McCord could justify the payment of $1,000 on an affidavit without resorting to vouchers. The court would be thoroughly justified in approving such a move. If he does so I would allow this expense money. It seems to me Mr. Driscoll might do the same thing."

SEE PAGE